

for implementing the Municipal Solid Waste (MSW) Landfill Emission Guidelines. The State's plan was submitted to USEPA on July 21, 1998 in accordance with the requirements for adoption and submittal of State plans for designated facilities in title 40 of the Code of Federal Regulations part 60 (40 CFR part 60), subpart B. In the final rules section of this **Federal Register**, the USEPA is approving the State's request as a direct final rule without prior proposal because USEPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless USEPA receives relevant adverse written comment. Should USEPA receive such comment, it will publish a timely withdrawal informing the public that the direct final rule will not take effect and such public comment received will be addressed in a subsequent final rule based on the proposed rule. If no adverse written comments are received, the direct final rule will take effect on the date stated in that document, and no further action will be taken. USEPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before December 23, 1998.

ADDRESSES: Written comments may be mailed to J. Elmer Bortzer, Chief, Regulation Development Section, Air Programs Branch (AR-18J), Region 5 at the address listed below.

Copies of the materials submitted by the Illinois Environmental Protection Agency may be examined during normal business hours at the following location: Regulation Development Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604.

FOR FURTHER INFORMATION CONTACT: Randolph O. Cano at (312) 886-6036.

SUPPLEMENTARY INFORMATION: For additional information see the direct final rule published in the rules section of this **Federal Register**.

Dated: October 28, 1998.

David A. Ullrich,

Acting Regional Administrator, Region 5.

[FR Doc. 98-31075 Filed 11-20-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[MI49-01(b); FRL-6189-7]

Approval of Section 112(l) Program of Delegation; Michigan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) proposes to approve Michigan's request for a mechanism of delegation of the Federal air toxic program pursuant to Section 112(l) of the Clean Air Act of 1990. In the "Final Rules" section of this **Federal Register**, the EPA is approving the State's request as a direct final rule without prior proposal because EPA views this action as noncontroversial and anticipates no adverse comments. A detailed rationale for approving the State's request is set forth in the direct final rule. The direct final rule will become effective without further notice unless EPA receives relevant adverse written comment. Should EPA receive such comment, it will publish a timely withdrawal informing the public that the direct final rule will not take effect, and such public comment received will be addressed in a subsequent final rule based on the proposed rule. If no adverse written comments are received, the direct final rule will take effect on January 22, 1999, and no further action will be taken. EPA does not plan to institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before December 23, 1999.

ADDRESSES: Written comments may be mailed to Robert B. Miller, Chief, Permits and Grants Section, Air Programs Branch (AR-18J), Region 5 at the address listed below.

Copies of the materials submitted by the Michigan Department of Environmental Quality (MDEQ) may be examined during normal business hours at the following locations:

Permits and Grants Section, Air Programs Branch (AR-18J), U.S. Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois, 60604
Air Quality Division, Michigan Department of Environmental Quality, 106 West Allegan Street, Lansing, Michigan 48909

FOR FURTHER INFORMATION CONTACT: Laura Gerleman at (312)353-5703.

SUPPLEMENTARY INFORMATION:

For additional information, see the direct final rule published in the rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 63

Environmental Protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Authority: 42 U.S.C. 7401, *et seq.*

Dated: August 26, 1998.

Gail Ginsberg,

Acting Regional Administrator, Region V.

[FR Doc. 98-31077 Filed 11-20-98; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6190-6]

National Oil and Hazardous Substances Pollution Contingency Plan National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete Cedartown Municipal Landfill Superfund site from the National Priorities List (NPL); request for comments.

SUMMARY: EPA, Region 4 (EPA) announces its intent to delete the Cedartown Municipal Landfill Superfund Site from the NPL and requests public comment on this proposed action. The NPL constitutes appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). EPA and the State of Georgia (State) have determined that all appropriate CERCLA actions have been implemented and that no further cleanup by responsible parties is appropriate under CERCLA. Moreover, EPA and the state have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of this Site will be accepted until December 23, 1998.

ADDRESSES: Comments may be mailed to: Annie M. Godfrey, Remedial Project Manager, South Site Management Branch, Waste Management Division, U.S. Environmental Protection Agency,

Region 4, 61 Forsyth Street, S.W., Atlanta, GA 30303.

Comprehensive information on this Site is available through the EPA Region 4 public docket, which is located at EPA's Region 4 office and is available for viewing by appointment only from 9 a.m. to 4 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region 4 Docket Office.

The address for the Regional Docket Office is: Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, Telephone No. (404) 562-8862.

Background information from the regional public docket is also available for viewing at the Site information repository located at the following address: Cedartown Public Library, 245 East Avenue, Cedartown, Georgia, 30125-3001, Telephone No. (770) 748-5644.

FOR FURTHER INFORMATION CONTACT: Annie M. Godfrey, Remedial Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562-8919.

SUPPLEMENTARY INFORMATION:

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I. Introduction

EPA announces its intent to delete the Cedartown Municipal Landfill Superfund Site (the Site), in Polk County, Georgia from the National Priorities List (NPL) which constitutes appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this proposed deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action. EPA will accept comments concerning this Site for thirty (30) calendar days after publication of this document in the **Federal Register**.

Section II of this document explains the criteria for the deletion of sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), releases may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met: (i) Responsible parties or other persons have implemented all appropriate response actions required; or (ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or (iii) The remedial investigation has determined that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate; or (iv) The site is a regulated treatment, storage, or disposal facility (TSD) regulated under the authority of the Resource Conservation and Recovery Act (RCRA).

Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action.

III. Deletion Procedures

EPA will accept and evaluate public comments before making a final decision to delete. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this Site:

(1) EPA Region 4 issued a Record of Decision (ROD) in November 1993. The selected remedy included landfill cover maintenance, controls to restrict land use and prevent groundwater use, and groundwater monitoring to ensure that the contaminants were reduced naturally and did not move away from the site. Groundwater monitoring was to be continued after groundwater performance standards are achieved. The ROD contained a contingency for pumping and treating groundwater if the performance standards could not be attained.

(2) EPA Region 4 issued a ROD amendment in May 1998, following two and one-half years of groundwater monitoring. Monitoring data indicated that only manganese remained above

the performance standard and did not appear to be migrating offsite. The amendment changed the remedy to utilize institutional controls to restrict groundwater use in the areas beneath the site where performance standards are exceeded and to eliminate monitoring and the pump and treat contingency.

(3) The Georgia EPD concurred with the proposed deletion decision.

(4) A notice has been published in the local newspaper and has been distributed to appropriate federal, state, and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Notice of Intent to Delete.

(5) All relevant documents have been made available for public review in the local Site information repository.

Deletion of a site from the NPL does not itself, create, alter, or revoke any individual rights or obligations. The NPL is designated primarily for information purposes and to assist EPA management. As mentioned in section II of this document, 40 CFR 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

Any comments received during the notice and comment period will be evaluated before the final decision to delete. EPA will prepare a Responsiveness Summary, if necessary, which will address any comments received during the public comment period.

A deletion occurs after the EPA Region 4 Regional Administrator places a document in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by EPA Region 4.

IV. Basis for Intended Site Deletion

The following site summary provides the Agency's rationale for the proposal to delete this Site from the NPL.

A. Site Background

The Cedartown Municipal Landfill site is located in Polk County on the outskirts of the City of Cedartown, Georgia, approximately 62 miles northwest of Atlanta, Georgia. The Site is situated on the western edge of Cedartown and is bordered on the east by Tenth Street, the south by Route 100 (Prior Station Road), and the north and west by undeveloped and/or agricultural land. Property to the east of the Site consists of an industrial complex. Land to the north, west and south of the Site is a mixture of residential, agricultural, and

undeveloped land. The Site lies within the limits of the City of Cedartown.

The Site occupies approximately 94 acres and has wooded areas along the north, south and west. A seasonal stream and pond, which appear during periods of high precipitation, exist approximately 700 feet west of the Site perimeter. The eastern half of the Site is covered by thick grasses. Approximately 10 acres of land, situated between the eastern and western halves of the Site, were not used for landfill operations. One leachate seep was observed on-site.

B. History

The Site encompasses a former iron ore mine which subsequently was used as a municipal landfill. While the landfill received primarily municipal solid sanitary waste during its operation, quantities of industrial waste were also reportedly disposed at the Site. The industrial wastes disposed at the Site may have included the following:

- Sludge from an industrial waste water treatment system,
- Animal fat and vegetable oil skimmings from a separation unit,
- Liquid dye wastes,
- Latex paint and paint sludges, and
- Plant trash.

In 1979, in accordance with then applicable State regulations pertaining to the closure of landfills, the landfill was covered with a layer of clay soil varying in thickness from one to 12 feet. A vegetative cover was then planted over the soil layer to prevent erosion.

From 1985 to 1987, EPA evaluated conditions at the Site and identified areas of potential investigation. EPA then proposed the Site for inclusion on the National Priorities List (NPL) in June 1988 and finalized the listing in March 1989. In November 1993, EPA issued a Record of Decision (ROD) for the Site. The ROD selected a remedy consisting of the following:

- Cover maintenance and seep controls,
- Institutional controls to minimize land use and prevent groundwater use,
- Surface water monitoring to assess whether contaminants were leaching from the seep,
- Groundwater monitoring to assess the migration and/or natural attenuation of contaminants,
- Implementation of a contingency pump and treat system if groundwater performance standards were not met, and
- Continued groundwater monitoring after groundwater performance standards were achieved.

EPA Region 4 issued a ROD amendment in May 1998 which

amended the remedy to utilize institutional controls to restrict groundwater use in the areas beneath the site where performance standards are exceeded and to eliminate monitoring and the pump and treat contingency. The City of Cedartown (the City) has implemented the required institutional controls to restrict groundwater use at the Site. The City has annexed all property which lies above the landfill area. A city ordinance is in place to restrict the installation of wells on these properties. Additional ordinances restrict the placement of groundwater wells on adjacent property.

C. Characterization of Risk

Groundwater monitoring for two and one-half years has demonstrated that levels of all constituents of concern, except manganese, are below performance standards. Groundwater concentrations of manganese have remained stable in the wells which exceed the standard. Elevated levels of manganese have not been detected in more distant wells. In addition, EPA analysis of groundwater data demonstrates that elevated manganese may be caused by mining activities which occurred before the Site was used as a municipal landfill. Risk to human health has been reduced to acceptable levels by controlling access to contaminated groundwater. Institutional controls implemented by the City will restrict the use of groundwater in areas where performance standards are not met. The results of the ecological risk assessment indicated that the Site provides a habitat for a variety of wildlife, but that chemical exposures on the Site do not represent a threat to wildlife which may inhabit the area. No endangered or sensitive resident species or critical habitats were identified in the study area.

EPA believes that conditions at the Site pose no unacceptable risks to human health or the environment. One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "the responsible parties or other parties have implemented all appropriate response actions required." EPA, with concurrence from the Georgia Environmental Protection Division (EPD), believes that this criterion for deletion has been met. Subsequently, EPA is proposing deletion of this Site from the NPL. Documents supporting this action are available from the regional public docket. Since waste will remain on the site, a five year review will be required in the future.

EPA, with concurrence of the Georgia EPD, has determined that all appropriate response under the CERCLA

have been completed, and that no further action by responsible parties is necessary. Therefore, EPA proposes to delete the Site from the NPL and requests public comments on the proposed deletion.

Dated: September 30, 1998.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 745

[OPPTS-00256; FRL-6047-6]

RIN 2070-AC83

Round Table Discussion of the Upcoming Lead Renovation and Remodeling Rulemaking; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; notice of public meeting

SUMMARY: EPA will hold a round table discussion meeting on the forthcoming rulemaking under section 402(c)(3) of the Toxic Substances Control Act (TSCA). Section 402(c)(3) directs the Agency to revise the regulations on lead-based paint activities to apply to renovation or remodeling activities that create lead-based paint hazards in target housing. The purpose of this discussion is to provide a forum where interested parties can contribute information and give individual perspectives on specific policy questions related to this forthcoming rulemaking. Agency staff may also ask participants to give their individual reactions to specific proposals and questions.

DATES: The meeting will be from 9 a.m. to 4:30 p.m. on December 7, 1998. Written comments must be submitted on or before January 15, 1999.

ADDRESSES: The meeting will be held at the Holiday Inn Rosslyn Westpark, 1900 North Fort Meyer Dr., Arlington, VA.

Each comment must bear the docket control number OPPTS-00256. All comments should be sent in triplicate to: OPPT Document Control Officer (7407), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. G-099, East Tower, Washington, DC 20460.

Comments and data may also be submitted electronically to: oppt.ncic@epa.gov. Follow the instructions in Unit III. of this notice.